GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Sri B.V.Tirumala Rao, the then Asst. Director of Agriculture(R), Srikakulam District. and 2 others– Initiation of departmental Common /Joint enquiry proceedings u/r 20 of APCS (CC&A) Rules, 1991 read with Rule- 24 of A.P.C.S. (CC&A) Rules, 1991 - Articles of charge – Issued.

AGRICULTURE AND COOPERATION (VIG.I) DEPARTMENT

G.O.RT.No. 582 **Dated: 08-08-2018**
Read the following:-

Ref:-1)From the DG, V&E Dept., Vigilance Report No. 22 (C.No.03/V&E/D1/2018), dated:16.03.2018.
2) From the Special Commissioner of Agriculture, A.P., Guntur Lr.No.Vig.II(5) 147/2018, dated:24-07-2018

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ORDER :-

It is proposed to hold an enquiry against the said Sri B.V.Tirumala Rao, the then Asst. Director of Agriculture(R), Srikakulam District. in accordance with procedure laid down in Rule- 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of Articles of Charge (Annexure-I). Statement of imputation of misconduct or misbehavior on which action is proposed to be taken against him as Annexure-II, a list of documents by which and a list of witnesses by whom the Article of Charge is proposed to be sustained are also enclosed as Annexure-III and IV.

3. Sri B.V.Tirumala Rao, the then Asst. Director of Agriculture(R), Srikakulam District is directed to submit a written statement of his defence within 15 days from the date of receipt of this G.O. and also to state whether he desires to be heard in person.

4. Sri B.V.Tirumala Rao, the then Asst. Director of Agriculture(R), Srikakulam District is further informed that an Inquiry will be held only in respect of those articles of charge as are not admitted. He should therefore, specifically admit or deny the article of charge.

5. Sri B.V.Tirumala Rao, the then Asst. Director of Agriculture(R), Srikakulam District is further informed that if he does not submit his written statement of defense on or before the date specified in para-3 above, further action will be processed based on the material available.

6. Attention of Sri B.V.Tirumala Rao, the then Asst. Director of Agriculture(R), Srikakulam District is invited to Rule -24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to him under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Sri B.V.Tirumala Rao, the then Asst. Director of Agriculture(R), Srikakulam District is aware of such a representation and that it has been made at his

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instance and action will be taken against him for violation of rule -24 of the A. P. Civil Service (Conduct) Rules, 1964.

7. The receipt of this G.O. shall be acknowledged.

(**BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

B.RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

To
Sri B.V.Tirumala Rao, the then Asst. Director of Agriculture(R), Srikakulam District
through the Special Commissioner of Agriculture ,A.P, Guntur

Copy to:

The Special Commissioner of Agriculture ,A.P, Guntur (with a request to serve the order on the charged officer and return the served copy with dated ack.,)
SC/Sf.

// FORWARDED :: BY ORDER //

SECTION OFFICER

Contd.3/-

ANNEXURE-I

Statement Of Article Of Charge framed against Sri B.V.Tirumala Rao, the then Assistant Director of Agriculture (R), Srikakulam and at present working as ADA(Agronomy), in the O/o JDA, Srikakulam District and working on deputation as Assistant Director of Agriculture (Regular), Srikakulam on OD basis.

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Article of Charge-I:

"that Sri B.V.Tirumala Rao, the then ADA (R), Srikakulam& at present working as ADA(Agronomy), in the O/o JDA, Srikakulam District and working on deputation as Assistant Director of Agriculture (Regular), Srikakulam has failed to report the seizure of the fertilizer stock worth Rs.3,27,23,026/- during inspection held by V&E Officials and Agriculture Department officials on 15.07.2017 to the District Collector (CS), Srikakulam under the provisions of Fertilizer Control Order, 1985 and EC Act, 1955.

Thus he neglected in discharging his legitimate duties properly and violated the Rule 3 of APCS (Conduct) Rules 1964".

Article of Charge-II:

"that Sri B.V.Tirumala Rao, the then ADA(R), Srikakulam & at present working as ADA(Agronomy), in the O/o JDA, Srikakulam District, working on deputation as Assistant Director of Agriculture (Regular), Srikakulam along with Agril. Departmental Officials has reverified the stocks after advising the Warehouse Manager to ask for such re-verification, found lesser variation and concluded that such variation is acceptable and revoked the stop sale orders and also disposed the case even though they are not empowered, as the District Collector (Civil Supplies), Srikakulam is the Competent authority to take decision on further action on the seizure of fertilizers.

Thus, he abused the powers of the Competent Authority, hence violated the Rule 3 of APCS (Conduct) Rules 1964".

ANNEXURE-II

Statement of imputations of misconduct or misbehaviour in support of the articles of charge framed against Sri B.V.Tirumala Rao, the then Assistant Director of Agriculture (R), Srikakulam and at present working as ADA(Agronomy), in the O/o JDA, Srikakulam District and working on deputation as Assistant Director of Agriculture (Regular), Srikakulam on OD basis.

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In respect of charge 1:

It is brought to the notice of the undersigned by the Director General (Vigilance & Enforcement)through Vigilance Report No.22(C.No.03/V&E/D1/2018, Dt:16.03.2018 that on credible information joint inspection of V&E officials and Agriculture Department officials held on 14.07.2017 and 15.07.2017 and found the following irregularity:

The joint inspection revealed variation in stocks of fertilizers between physical and book balance in the godowns of M/s Avanthi Warehousing Services private Ltd and Lendi MACS Ltd, Tallavalasa, Amadalavalasa Mandal, Srikakulam District. Due to which the stocks of fertilizers worth Rs.3,27,23,026/- were seized by the Mandal Agriculture Officer, Amadalavalasa. The JDA, Srikakulam has not placed the matter of

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joint inspection and seizure of fertilizers worth Rs.3,27,23,026/- on 15.07.2017 before the District Collector (CS), Srikakulam under the provisions of Fertilizer Control Order, 1985 and EC Act, 1955 and also not filed a case under section 6(A) of Essentials commodities Act, 1955 before the Court of District Collector (CS) Srikakulam District. Contrary to that, the Agriculture Department officials have colluded with M/s Avanthi Warehousing Services private Ltd and Lendi MACS Ltd, Tallavalasa, Amadalavalasa Mandal, Srikakulam District and simply issued stop sale orders for a period of 21 days. Which is a grave procedural irregularity on the part of JDA, Srikakulam and violated Rule 3 of APCS (Conduct) Rules 1964.

In respect of charge 2:

It is brought to the notice of the undersigned by the Director General (Vigilance & Enforcement) Vigilance Report No.22(C.No.03/V&E/D1/2018), Dt:16.03.2018 that on credible information joint inspection of V&E officials and Agriculture Department officials held on 14.07.2017 and 15.07.2017 and found the following irregularities:

1. The joint inspection revealed variation in stocks of fertilizers between physical and book balance in the godowns of M/s Avanthi Warehousing Services private Ltd and Lendi MACS Ltd, Tallavalasa, Amadalavalasa Mandal, Srikakulam District. Due to which the stocks of fertilizers worth Rs.3,27,23,026/- were seized by the Mandal Agriculture Officer, Amadalavalasa and stopped sales orders for a period of 21 days were given.

2. After seizure, the Agriculture Department officials have not filed a case under section 6(A) of Essentials commodities Act, 1955 before the Court of District Collector (CS) Srikakulam District. Contrary to that, the Agriculture Department officials simply issued Stop Sale Orders.

3. The Asst. Director of Agriculture (R) and Mandal Agriculture Officer, Amadalavalasa conducted re-verification of stocks of fertilizers on 05.08.2017 with his subordinates(MAOs) including contract basis working employees (MPEOs) without the presence of V&E employees who organized the raid/inspection,

4. The Joint Director of Agriculture, Srikakulam, Assistant Director of Srikakulam as well as Mandal Agricultural Officer, Amadalavalasa have found lesser variation, concluded that it is acceptable variation and revoked the stop sales orders, disposed the case colluded with M/s Avanthi Warehousing Services private Ltd and Lendi MACS Ltd, Tallavalasa, Amadalavalasa Mandal, Srikakulam District even though they are not empowered to dispose the case and also not placed the matter of joint inspection and seizure of fertilizers worth Rs.3,27,23,026/- on 15.07.2017 before the District Collector (CS), Srikakulam under the provisions of Fertilizer Control Order, 1985 and EC Act, 1955. Which is a grave procedural irregularity on the part of JDA, Srikakulam and violated Rule 3 of APCS (Conduct) Rules 1964.

ANNEXURE-III

List of documents by which articles of charge framed against Sri B.V.Tirumala Rao, the then Assistant Director of Agriculture (R), Srikakulam and at present working as ADA(Agronomy), in the O/o JDA, Srikakulam District and working on deputation as Assistant Director of Agriculture (Regular), Srikakulam on OD basis are proposed to be sustained.

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Vigilance Report No.22, (C.No.03/V&E/D1/2018), Dt:16.03.2018 of the Director General of Vigilance and Enforcement Department.

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ANNEXURE-IV

List of witnesses by whom the Article of Charge framed against Sri B.V.Tirumala Rao, the then Assistant Director of Agriculture (R), Srikakulam and at present working as ADA(Agronomy), in the O/o JDA, Srikakulam District and working on deputation as Assistant Director of Agriculture (Regular), Srikakulam on OD basis are proposed to be sustained.

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—Nil—

B.RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

SECTION OFFICER